

REMARKS

Reconsideration of this application and the rejection of claims 1-30 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated November 1, 2004 (Paper No. 20041028) and believes the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1-6 and 17-21 stand rejected under 35 U.S.C § 103(a) as being obvious over U.S. Patent No. 5,395,108 to Souders. In response, Applicant has deleted these claims. Accordingly, the Examiner's objection based on Souders is now moot.

Claims 7-13, 16, 22-28 stand rejected under 35 U.S.C § 103(a) as being obvious in view of U.S. Patent No. 4,848,745 to Bohannon et al. In addition, claims 14, 15, 29 and 30 are rejected under 35 U.S.C § 103(a) as being obvious over U.S. Patent No. 6,761,653 to Higginbotham et al.

The Examiner indicated that the rejection of claims 14, 15, 29 and 30 could be overcome by satisfying one of three conditions. In accordance with the first condition, the Applicant submits herewith the Declarations of Terrance W. Sutherland and Brian E. Higginbotham, each a named inventor of the '653 Patent, to show that the invention disclosed but not claimed in the '653 Patent, but relied upon by the Examiner, was derived from the inventor of the present application, Mr. Sutherland, and is thus not an invention "by another". In his Declaration, Mr. Sutherland states in paragraph 11 that he is the sole

inventor of the relevant subject matter cited by the Examiner from the '653 Patent, namely the embodiment disclosed in Figure 14 and at column 8, lines 22-65, and that it was derived from him alone. In confirmation, Mr. Higginbotham states in paragraph 4 of his Declaration that Mr. Sutherland is the sole inventor of the relevant subject matter from the '653 Patent and that it was derived from Mr. Sutherland alone.

On the basis of the Declarations of Mr. Sutherland and Mr. Higginbotham attached hereto, the Applicant submits that the objection to claims 14, 15, 29 and 30, based on the '653 Patent has been overcome and that these claims are allowable.

Accordingly, claim 7 has been rewritten to include the features of allowable claim 14 and claim 22 has been rewritten to include the features of allowable claim 29. New claim 31 combines the features of current claim 7 with the features of allowable claim 15, while new claim 39 combines the features of current claim 22 with features of allowable claim 30. As noted above, claims 14, 15, 29 and 30 have been deleted.

Amended claims 7 and 22, new claims 31 and 39, and the claims that depend therefrom are thus submitted to now be in allowable form and the Examiner is requested to remove his objections and allow these claims.

The specification has been amended to reflect the newly recited claim language. Applicant respectfully submits that no new matter has been entered.

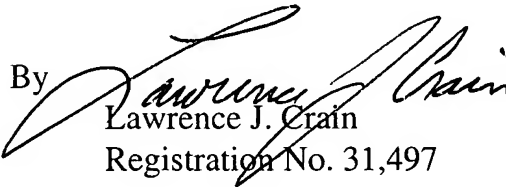
Applicant respectfully submits that in view of the above-identified amendments and the remarks, the claims in their present form are patentably distinct over the art of record.

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Reply to Office Action of November 1, 2004

Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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